

ENTERED

February 27, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

SHAZID ALI,

Plaintiff,

VS.

THE HOME DEPOT U.S.A., INC., *et al*,

Defendants.

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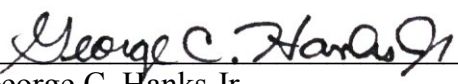
CIVIL ACTION NO. 3:17-CV-383

ORDER

Plaintiff Shazid Ali has filed a notice of voluntary dismissal without prejudice as to Defendant The Home Depot Inc. (Dkt. 6). Because The Home Depot Inc. has served neither an answer nor a motion for summary judgment, Ali may unilaterally dismiss the claims against The Home Depot Inc. by filing a notice of voluntary dismissal. FED. R. CIV. P. 41(a)(1)(A)(i); *see also Montoya v. FedEx Ground Package System, Inc.*, 614 F.3d 145, 148 (5th Cir. 2010) (pointing out that a plaintiff is entitled to a dismissal against one defendant under Rule 41(a)(1)(A)(i) even though the action against another defendant would remain pending). All claims against Defendant The Home Depot Inc. are **DISMISSED WITHOUT PREJUDICE**, and Defendant The Home Depot Inc. is terminated from this lawsuit. The claims against Defendant Home Depot U.S.A., Inc. remain pending.

It is so **ORDERED**.

SIGNED at Galveston, Texas, this 27th day of February, 2018.



George C. Hanks Jr.
United States District Judge